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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/820,489  | 04/08/2004  | Robert Langsch       | 71366               | 7403             |
| 23872   | 7590        | 12/07/2005           | EXAMINER            |                  |
| MCGLEW & TUTTLE, PC<br>P.O. BOX 9227<br>SCARBOROUGH STATION<br>SCARBOROUGH, NY 10510-9227 |             |                      | WILLIAMS, KEVIN D   |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2854                |                  |

DATE MAILED: 12/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                                |  |
|------------------------------|-------------------------------|--------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/820,489 | Applicant(s)<br>LANGSCH ET AL. |  |
|                              | Examiner<br>Kevin D. Williams | Art Unit<br>2854               |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Jentzsch (DE 199 26 833).

Jeschke teaches a roll 4 comprising at least two partial areas 6 running around the central axis of the roll, said partial areas being made of an ink-friendly material 6, at least one annular area 5 made of an ink-repellent material 5 extending fully around said central axis of the roll and also extending uninterrupted in a circumferential direction of the roll (Fig. 2), said annular area made of an ink-repellent material being arranged between (noted in Fig. 1) said at least two partial areas made of ink-friendly material, a plurality of partial areas made of an ink-friendly material 6 and a plurality of annular areas made of ink-repellent material 5 being provided which are located between the partial areas made of ink-friendly material (6;right side of Fig. 2), forming the at least one said annular structure made of an ink-repellent material on a blank roll body 4, and the blank roll body being turned to prepare an approximately planar surface.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 3, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jentzsch in view of Jeschke (4,722,274).

Jentzsch does not teach at least two ink-friendly partial areas being made of one of ceramic, copper, polyamide, or Rilsan, the at least one annular ink-repellent partial area being made of chromium, the annular structure being applied by facing, chrome-plating or plasma coating, at least one edge area of said annular structure being welded for sealing.

Jeschke teaches at least two ink-friendly partial areas being made of one of ceramic, copper (col. 4, lines 16-17), polyamide, or Rilsan, the at least one circular ink-repellent partial area being made of chromium (col. 4, lines 13-15), the annular structure being applied by facing (5 faced on 3), chrome-plating or plasma coating, at least one edge area of said annular structure being welded for sealing.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Jentzsch to have the annular area arrangement as taught by Jeschke, in order to utilize conventional materials for constructing ink-friendly and ink-repellent materials.

5. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jentzsch.

Jentzsch teaches the claimed invention except for the partial area made of ink-friendly material having on of a thickness of 0.1 mm to 0.5 mm and a width of 25 cm to

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35 cm, and the partial area made of ink-friendly material having a thickness of 0.01 mm to 0.10 mm and a width of 18 mm to 26 mm.

It has been held that where the general conditions of a claim are disclosed in the prior art, there is nothing unobvious about discovering the optimum or workable ranges by routine experimentation. MPEP 2144.05 (II) (A). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Jentzsch to have the circular partial area made of ink-friendly material have a thickness of 0.1 mm to 0.5 mm and/or a width of 25 cm to 35 cm, and a thickness of 0.01 mm to 0.10 mm and a width of 18 mm to 26 mm, in order to produce the highest quality image possible.

6. Claims 7 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jentzsch in view of Horikoshi (US 2001/0029855).

Jentzsch teaches a damping system comprising a roll 4 comprising at least two partial areas 6 running around the central axis of the roll, said partial areas being made of an ink-friendly material 6, at least one annular area 5 made of an ink-repellent material 5 extending fully around said central axis of the roll and also extending uninterrupted in a circumferential direction of the roll (Fig. 2), said annular area made of an ink-repellent material being arranged between (noted in Fig. 1) said at least two partial areas made of ink-friendly material, a dampening agent applicator roll 2 in contact with said roll and receiving damping agent from said roll, and a plate cylinder 1 receiving dampening agent from said roll.

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Jentzsch does not teach an oscillator connected to said roll and moving said roll to and fro in an axial direction, a dampening agent transfer roll in contact with said roll and transferring damping agent to said roll.

Horikoshi teaches a damping system having an oscillator connected to a roll 24 and moving said roll to and fro in an axial direction, a dampening agent transfer roll 23 in contact with said roll and transferring damping agent to said roll.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Jentzsch to the oscillator as taught by Horikoshi, in order to effectively distributor the damping agent on the plate cylinder.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin D. Williams whose telephone number is (571) 272-2172. The examiner can normally be reached on Monday - Friday, 8:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KDW  
November 28, 2005



ANDREW H. HIRSHFELD  
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